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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,850

07/22/2003

Felix Bator

F-673

1866

7590

08/22/2008

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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

08/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,850	<b>Applicant(s)</b> BATOR ET AL.	
	<b>Examiner</b> Igor N. Borissov	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,9 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/14/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 05/14/2008 is acknowledged and entered. Claims 4-8 and 10-13 have been canceled. Claims 1 and 14 has been amended. Claims 1-3, 9 and 14 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 9 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda (Letter to a Retail Systems Manager of United States Postal Service on February 21, 1997).**

#### **Claims 1 and 14.**

Ananda appears to describe a method and system for a vendor to dispense postage over a network to a remote personal computer, wherein StampMaker (a license vendor) allows the postal customer to create stamps at the home or office using a personal computer, modem, and printer. A software program with an incomplete header code is installed on the consumer's hard drive, and can only be activated and stamps printed when the user is online.

The Vendor system is embodied as Internet Host site including a link to the Internet, a server, and a relational database, wherein the system is configured to collect at least the following information:

Profile of the users including name, address, credit card information, phone numbers and any other information deemed necessary, accounting

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information by user, including prepaid postage amount and postage amount used; details of the postage printed by user, including value of the postage, type of postage, date sent, recipient, etc.

The system is also configured to:

define the Postal Rates or the kind of billing system to use including Prepaid postage system or monthly billing by credit card;

enable a remote user to print a postage stamp on to their local printers under the supervision of the server.

Furthermore, Ananda teaches that the server application ensures that only those users who are registered with the Vendor are able to print the stamps using their PC. In order for the user to print a stamp at a PC, the user will first have to register with the Vendor providing among other things, their charge card information and a password. The user will then be identified internally with a unique user Id. In use, every time the user wants to print a stamp, the client software running on the user system will verify with the server software running on the Vendor system, that the user is an authorized user and also verify that there is enough prepaid postage available for the user to print the stamps (sections: Product Concept Narrative and Vendor Infrastructure Concept Narrative; pages 3 and 4). Furthermore, there is no disclose in Ananda that the customer must have a meter license from the postal service, thereby indicating that the customer can obtain postage from the vendor without having said license.

**Claims 2, 3 and 9**, same reasoning as applied to claims 1 and 14.

### ***Response to Arguments***

Applicant's arguments filed 05/14/2008 have been fully considered but they are not persuasive.

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In response to applicant's argument that the prior art fails to disclose the vendor obtaining a meter license from the postal service, the meter license being associated with a meter account assigned to the vendor as in the present invention, it is noted that Ananda discloses that StampMaker (a license vendor) allows the postal customer to create stamps at the home or office using a personal computer, thereby indicating obtaining the license by the vendor from the postal service.

In response to applicant's argument that Ananda does not teach processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor, and that Ananda does not teach processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor, it is noted that Ananda discloses that every time the user wants to print a stamp, the client software running on the user system will verify with the server software running on the Vendor system, that the user is an authorized user and also verify that there is enough prepaid postage available for the user to print the stamps.

Applicant argues that the Ananda letter is a Letter of Intent to submit an Information Based Indicia Program (IBIP) evaluation product. Thus, the product generally described in the Ananda letter is intended to comply with the USPS IBIP specifications, and the June 1996 USPS IBIP Indicum Specification which requires to include the License ID in both the computer-based bar code and the meter-based bar code, wherein the License ID is defined as the data element that represents "the customer's unique license identification number."

In response to this argument that it is noted that the Information Based Indicia Program (IBIP) specifies in C.3.2.7.4, 2<sup>nd</sup> ¶ (page C-16), that " ...the host

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may allow the user to actively acknowledge the terms and conditions of an electronic service agreement, and to transmit the acceptance to the Provider infrastructure using a process that authenticates the user". Ananda explicitly teaches these requirements. Specifically, Ananda teaches that the server application ensures that only those users who are registered with the Vendor are able to print the stamps using their PC. In order for the user to print a stamp at a PC, the user will first have to register with the Vendor providing among other things, their charge card information and a password. The user will then be identified internally with a unique user Id. In use, every time the user wants to print a stamp, the client software running on the user system will verify with the server software running on the Vendor system, that the user is an authorized user and also verify that there is enough prepaid postage available for the user to print the stamps (sections: Product Concept Narrative and Vendor Infrastructure Concept Narrative; pages 3 and 4)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

08/13/2008